

House of Lords and House of Commons

MINUTES OF EVIDENCE

taken before the

UNOPPOSED BILL COMMITTEE

on the

Richmond Burgage Pastures Bill

Wednesday 13 September 2017

Before:

Lord McFall of Alcluith, Senior Deputy Speaker,
House of Lords, with the assistance of his Counsel,
Mr James Cooper, and Ms Christine Salmon
Percival, House of Lords.

ALASTAIR LEWIS, of SHARPE PRITCHARD appeared as the Parliamentary
Agent for the Bill

There also appeared:

HON. ROBIN LAWRENCE DUNDAS, EARL OF RONALDSHAY, Chairman of
Richmond Burgage Pastures Committee

(3.45 pm)

1. **THE CHAIRMAN:** Good afternoon. Welcome to the Unopposed Bill Committee. I am Lord McFall, the Senior Deputy Speaker. On my right is James Cooper, my counsel. Mr Lewis, can I ask you to introduce yourself and your colleague, and then describe for me the main provisions of the Bill? I believe you have a cold and water has to be on hand.

2. **MR LEWIS:** Thank you, my Lord. Water is on hand.

3. **THE CHAIRMAN:** It will revive you instantly.

4. **MR LEWIS:** Thank you very much. I am Alastair Lewis from Sharpe Pritchard. I am the parliamentary agent for the promoters of the Bill, who are the Richmond Burgage Pastures Committee. Sitting to my left is Robin Dundas, the Earl of Ronaldshay, who is the Chairman of the Committee and who will be able to answer any factual questions that you may have after I have made my presentation.

5. My Lord, the Richmond Burgage Pastures Committee is responsible for the management of an area of land known as the Burgage Pastures, which are approximately one mile to the north of the town centre of Richmond in north Yorkshire, on a hill overlooking the town. The area includes the former Richmond racecourse. The racecourse was first used in the mid-1700s and the last races were run there in 1891. Some of the racecourse buildings, including two grandstands, remain on the land in a dilapidated state. The racecourse is registered as common land and the site is a conservation area.

6. There are two small areas that are sites of special scientific interest on the edge of the land. Would it help if I handed in a map to show you the area of the land, my Lord?

7. **THE CHAIRMAN:** How many acres is it?

8. **THE EARL OF RONALDSHAY:** There are 31 hectares.

9. **THE CHAIRMAN:** I would rather acres.

10. **MR LEWIS:** I think I worked it out. It is 77 acres. I did the calculation yesterday. You will see from that map there, my Lord, the main old racecourse shape and a few triangular additions to the north and the south of the land. Just

to the south of the racecourse you will there is the Gallowfields industrial estate, which sits at the very north of the town of Richmond.

11. It is important to note that while that thick black line delineates the Committee's bailiwick, if you will have it that way, the little piece of land that has some trees drawn on it between the south of the track and the industrial estate is also in the ownership of the Committee; it was gifted to them by the council in the 1980s, I think, or the 1990s.

12. **THE EARL OF RONALDSHAY:** The 2000s.

13. **MR LEWIS:** Oh, sorry, so it was later than that. One of the reasons for that is to provide a buffer between the scenic land to the north and the industrial estate to the south to help protect the views that you get from up there. I can tell you from having been up there that they are quite astounding on a nice, clear day.

14. **THE CHAIRMAN:** Is that land a conservation area as well?

15. **MR LEWIS:** No. The thick black line delineates the conservation area.

16. **THE CHAIRMAN:** Would that come under green belt?

17. **MR LEWIS:** I do not think there is such thing as green belt in Richmond, but within its planning policies, which I will come to later, I think you will find it is very unlikely that that particular land would be developed,

18. **THE CHAIRMAN:** How many acres is that?

19. **THE EARL OF RONALDSHAY:** About five, I think.

20. **MR LEWIS:** About five. The Committee was first appointed, my Lord, in accordance with the terms of the Richmond Burgage Pastures Act 1853 and remains governed by that Act. It is also now the freehold owner, as I mentioned, of the whole of the racecourse, having been gifted that small piece of land in 2008, as I have noted here.

21. The Committee is responsible, generally, for the preservation of the structures on the racecourse. There are nine Committee members and they all meet the membership requirements of living within seven miles of the town of Richmond and being owners of Burgage rights, which are ancient rights of pasture on the land.

22. The Committee's income comes from fees charged to racecourse trainers and owners for the use of the racecourse and gallops. It also receives an income from English Nature—a small proportion, I would imagine—in respect of that part of the pastures, which is SSSI.

23. The 1853 Act requires income to be applied towards maintaining the land and buildings on the land. Any surplus can be divided among the Burgage owners. I asked Lord Ronaldshay yesterday whether there had been any surplus of any significance recently. You can answer that question now, if you like.

24. **THE EARL OF RONALDSHAY:** There is a modest surplus, but we just use it to prop up what we have: repair walls and cut the grass.

25. **MR LEWIS:** In the true sense of the word, there is not a surplus. You are using that money for what you are meant to use it for.

26. **THE EARL OF RONALDSHAY:** We keep a small positive balance, in our bank account. Otherwise, it comes in and goes out in small amounts every year.

27. **THE CHAIRMAN:** Who are the owners? You said there are nine members. Are they farmers?

28. **THE EARL OF RONALDSHAY:** There is a register kept of the Burgage rights, and for those who are known to be owned by individuals, we know who they are. A Burgage right went with a house in Richmond. Over the years, if a house has been sold, if the solicitor acting for the owner was aware of the Burgage

right and what it was and so on, they would have dealt with it as part of the conveyance. Inevitably, over the years, for many of the houses that owned a Burgage right, the owner has sold the house and probably kept, without knowing it, that Burgage right. The house has then been sold again and sold again, and the person who owned the Burgage right owning it in, say, 1920, and nobody has known about it ever since. We have tried through some publicity, admittedly modest, to find out who the minority of the Burgage rights are owned by who we do not know. It is incredibly difficult to get to the bottom of it. We know who the majority of Burgage rights are owned by, apart from anything else because I own the majority of the Burgage rights.

29. **THE CHAIRMAN:** How many is that?

30. **THE EARL OF RONALDSHAY:** I think there are 278 in total, and I have 150 or something; I forget the number now. A lot of them have literally been lost.

31. **THE CHAIRMAN:** What is the act of professional engagement of the present nine members?

32. **THE EARL OF RONALDSHAY:** What do the members do?

33. **THE CHAIRMAN:** Yes.

34. **THE EARL OF RONALDSHAY:** Some members do more than others. One member walks the racecourse probably every week just keeping an eye on things. As a Committee we meet once a year for a Committee meeting. We meet at other times if necessary. We then have an annual general meeting of the members after that. In advance of the Committee meeting, as many of the Committee as can make it will walk the racecourse, checking the walls are standing, seeing what the litter situation is and generally doing housekeeping.

35. **THE CHAIRMAN:** Is the old stand still up on the racecourse?

36. **THE EARL OF RONALDSHAY:** I think that is best described in the photograph.

37. **MR LEWIS:** I was just going to move on to that now.

38. **THE EARL OF RONALDSHAY:** Partly, but a photograph will describe that.

39. **MR LEWIS:** I am hoping, my Lord, that you have some photographs that were circulated before we were due to appear back in March. If you look at the first photograph, that gives you a general panorama. That by no means shows the whole of the area. To the right, that short, squat, square building is the judge's box, which I will describe in a little bit more detail in a minute. To the left, you see the two old racecourse stands. The Zetland stand is in the foreground and then behind it is the main stand. If you look at photograph 2, there are the two stands. The small one in the foreground is the Zetland and then behind it is the grandstand, which used to be a two-storey building but, as you can see, has unfortunately fallen into disrepair.

40. **THE EARL OF RONALDSHAY:** It was partially taken down in the 1970s by the district council, or I think they were the borough council then. They had to be stopped mid-project. They were going to take the whole thing down and they were stopped by Burgage owners because it was not for the district council to do such a thing. The stonework was all left. You cannot really see it now but under that mass of grass or whatever is the stonework from the upper floor of the grandstand.

41. **MR LEWIS:** It has all been left in situ.

42. **THE EARL OF RONALDSHAY:** It is all there, but it is just not very well looked after.

43. **MR LEWIS:** The third photograph simply shows in more detail the judge's box and then the grandstands in the background. As Lord Ronaldshay has just said, the buildings are really wasted assets at the moment. The Committee say that if the buildings were to be restored, they would make an excellent addition to the attractions that Richmond, already an historic town, has to offer.

44. The main grandstand, which was the larger of the two grandstands, is listed as Grade II*. That is a very high level of listing, just one below grade I, obviously. The listing describes it as the earliest remaining racecourse grandstand in the country. As you can see by the photos, it is fenced off and derelict. The Committee envisage the restoration of the grandstand and bringing it back into use. There could be a number of tenants who might be attracted to the building with its strong links to Georgian Richmond.

45. These could include a restaurant, for example, with stunning views over three counties or a coffee house offering refreshments. It could include new businesses with links to racing, cycling or running, or it could house a gallery or support creative industries, all of which in turn could be part of the tourist offering that is already there in Richmond. In respect to the Zetland stand, which is the smaller one in the foreground, the Committee say that this could possibly be converted into a letting property. Once the building has been repaired and converted, it could be let out as distinctive holiday accommodation, for example. The income from the rental could cover the running and maintenance costs of the main restored building, or the Zetland building itself, and could support some of the other buildings on the racecourse.

46. The small, squat building, the judge's box, is listed as grade II. It is a small building so its use is limited, but the Committee see it as complimenting the other

buildings. It could, for example, house historical and interpretive exhibitions to supply information about the racecourse, et cetera.

47. Moving on to the question of why the Committee requires a change to its existing legislation, to restore the grandstands and find new uses for the site will involve raising a considerable amount of money, as I am sure you can guess. As things stand, the Committee cannot offer a funder any security or enter into any agreement with a third party—for example, a building preservation trust—to bring the buildings and other lands into use. A trust would need to take a long lease over the building, or the land in question, in order to be able to raise funds from, say, the Heritage Lottery Fund and other contributors.

48. **THE CHAIRMAN:** You mention the trust. Can you explain that further?

49. **MR LEWIS:** Would you like to explain about the Richmond Building Preservation Trust?

50. **THE EARL OF RONALDSHAY:** The Richmond Building Preservation Trust is a local charity, set up probably 20 years ago, to convert and deal with another building in Richmond, which has turned into a community project. It has been a great success. This trust exists, has done very well and has a good reputation. They are well aware of the buildings in question here. We all know each other. We have been talking to them and they are very keen to get involved but, as things stand, they cannot because we cannot give them what they need, which is a long lease.

51. **THE CHAIRMAN:** What way would they wish to get involved?

52. **THE EARL OF RONALDSHAY:** Their purpose in life is to restore and find new uses for historic buildings in the Richmond area. That is exactly what we have responsibility for. They are a charity. They can raise money from all the obvious

charitable sources and they have the skills and the expertise to run a project such as ours would become.

53. **THE CHAIRMAN:** That would be just for the historic buildings on the site at the moment.

54. **THE EARL OF RONALDSHAY:** We would all look at the racecourse as a whole. You could not look at the buildings in isolation. You would have to take the whole piece and work out a plan that made sense overall.

55. **THE CHAIRMAN:** You could engage with others as well as the trust?

56. **THE EARL OF RONALDSHAY:** Indeed. Nothing has been agreed with any organisation.

57. **THE CHAIRMAN:** You could have a commercial developer coming along. If there is 77 acres on the edge of Richmond, it could be quite a fruitful commercial enterprise.

58. **MR LEWIS:** It could be. If could come on to that and explain why we see that that is unlikely to happen—

59. **THE CHAIRMAN:** Unlikely or not possible?

60. **MR LEWIS:** I would say very unlikely. I could not say it was impossible, of course. We will come on to that in a second. Under the 1853 Act, the Committee can only offer a yearly tenancy to occupy it. No sensible business, we say, is likely to take that up. The restriction needs to be removed, in the Committee's view, to enable them to lease the grandstands and other land within its ownership.

61. **THE CHAIRMAN:** I presume they could give freehold.

62. **MR LEWIS:** No. What the Bill does is allow the Committee to grant unlimited leasehold interests.

63. **THE CHAIRMAN:** They could give 999 years.

64. **MR LEWIS:** They could effectively, yes. They could give something that is similar. That is correct. If I could just move on to the protections, which we say would make it very, very unlikely for the sort of development that I think you have in mind to happen. The first, as I have already mentioned, is that the land is registered as common land. That means that if any building work was to take place on the common land, the consent of the Secretary of State would be necessary first. That involves in itself potentially a procedure involving local public inquiries, if there are objections. The Secretary of State would obviously have to bear in mind, in making any decision, the interests of local people and the interests of the commoners who use the common land. It is a very high hurdle in the first place to get past that. I am not saying it is impossible but that is hurdle number 1.

65. The second point is that the local planning authority's planning policies, again as they stand, do not support development at the racecourse. In particular, the policies for housing in Richmond say that support will be given to small-scale, high-quality new housing developments in sustainable locations, which protects and enhances the unique historical setting of the town, the exceptional high quality landscape setting of the town, the key views of the town and its setting, and other significant environmental assets, including archaeology and nature conservation designations.

66. **THE CHAIRMAN:** If you built houses there, how would that contravene the local authority's conditions there? They could still be complied with.

67. **MR LEWIS:** I would say that that gives a pretty clear steer to the local authority in dealing with any planning applications for development on this land away from development.

68. **THE CHAIRMAN:** Robin is shaking his head. Could you explain why?

69. **THE EARL OF RONALDSHAY:** I think each one of those conditions would be completely impossible to comply with if you built houses over the land in question. It is part of the historic fabric of Richmond.

70. **THE CHAIRMAN:** It would be good to get reassurance from the local authority that that is the case, then. Do you have that in writing for us to look at?

71. **MR LEWIS:** I do not have anything specific for you here today.

72. **THE EARL OF RONALDSHAY:** It is the local plan, is it not?

73. **THE CHAIRMAN:** Not just the local plan, but the view of the council.

74. **MR LEWIS:** I do not have any assurance in writing specifically today. We could always obtain it and I could write to you after the Committee if you wished us to. I am sure that they would prove a positive answer in that regard, my Lord.

75. The third point is, as I have already mentioned, the racecourse is a conservation area. Again, I am not saying that that prohibits development happening but the local planning authority must pay special attention to the desirability of preserving or enhancing the character of conservation areas when it makes planning decisions. National planning policy, as well, supports the conservation of heritage assets as a core land use planning principle. As I mentioned, two of the buildings are listed buildings. That, again, provides additional protection in that the local planning authority would have to have special regard to the setting of any listed building in granting any planning permission for any development. There are also the two areas of special scientific interest, which I have mentioned. Again, the planning authority would have to take into account those.

76. **THE CHAIRMAN:** What acreage do they cover?

77. **THE EARL OF RONALDSHAY:** A small acreage. Probably about five to 10 acres, I should think.

78. **THE CHAIRMAN:** Where are they located on the site?

79. **MR LEWIS:** If you look at the map, it is that area there to the top.

80. **THE EARL OF RONALDSHAY:** Principally it is this, here, at the top.

81. **MR LEWIS:** I think this area here, as well. The triangular area.

82. **THE CHAIRMAN:** Where it says "track"?

83. **MR LEWIS:** Yes. Just to the left of where it says "track". Finally, perhaps you can deal with the question, Lord Ronaldshay, of the intentions of the Committee itself in terms of what it intends to do with the land or what it certainly does not intend to do with the land.

84. **THE EARL OF RONALDSHAY:** It has absolutely no intention of doing any commercial development beyond the buildings in question or the site as an entity. We very much see ourselves there as guardians and custodians of this space, maintaining it on behalf of the Burgage owners principally but then Richmond and the wider local population. You have raised this as a suggestion. It has never crossed our minds that this is anything we should even be thinking about. I cannot speak to the future, but that is exactly how we are today.

85. **THE CHAIRMAN:** That is down to nine people, is it not? The nine members.

86. **THE EARL OF RONALDSHAY:** Whenever the AGM happens, I suppose we get between 20 and 30 people turning up, or 15 to 25. I cannot prove this to you, but I think they would be unanimous in their approach: everyone likes it as it is and would like to improve it.

87. **MR LEWIS:** My Lord, that was all I was going to say about the first of the two reasons for the promotion of the Bill. I will deal very briefly, if I may, with the

second separate issue where the Committee consider that the residency restriction, which is in Section 5 of the 1853 Act, is outdated and an administrative inconvenience. It requires members of the Committee to reside, as I said earlier, within seven miles of the boundary of the old borough of Richmond. It has meant that at least one Burgage owner recently has been unable to join the Committee when both he and the Committee very much wanted him to. I believe he lived in Darlington, which is 15 miles away.

88. **THE CHAIRMAN:** All nine members live within seven miles?

89. **THE EARL OF RONALDSHAY:** They all do, yes.

90. **THE CHAIRMAN:** What would you want that extended to?

91. **THE EARL OF RONALDSHAY:** I do not see why there should be a boundary. If the right person owns a Burgage right and lives in London and can give up the amount of time required to be a part of it and is an asset, it seems mad to not be able to make use of that person.

92. **MR LEWIS:** That is really all I need to say. It is rather outdated. Presumably in the days before cars were invented, it was seen to be an advantageous thing there. My Lord, that is all I was going to about the purposes of the Bill. You have a short paper of minor amendments as well, one of which picks up on a consequential change. Unless you have any further questions, that was it.

93. **THE CHAIRMAN:** I think we will go private deliberation at the moment and we will call you back in.

(The sitting was suspended from 4.08 pm until 4.32 pm)

94. **THE CHAIRMAN:** Welcome back. Thank you very much for your patience. You will know from the line of my questioning that I am concerned about the

possibility of commercial development. That being the case, who are the beneficiaries? Could you remind me?

95. **MR LEWIS:** The beneficiaries?

96. **THE CHAIRMAN:** If there was a commercial development.

97. **MR LEWIS:** If there were to be a commercial development and it is a big “if”—

98. **THE CHAIRMAN:** You do not want to redevelop the stands.

99. **MR LEWIS:** Indeed, yes, but in terms of a greater scale than that. After the Committee has paid taxes and after it has paid any wages of staff, if there are any, and after using the income for the upkeep of the land and the buildings, any surplus after that, the 1853 Act says, can be distributed to the Burgage holders, who are listed on the register that Lord Ronaldshay spoke about.

100. **THE CHAIRMAN:** Robin, you own about 60% of the Burgage holders, do you not?

101. **THE EARL OF RONALDSHAY:** Something like that, yes.

102. **THE CHAIRMAN:** My concern is that this be retained as common land for the heritage of the town. With that in mind, what I would like you to do is to go away and crystallise your commitments that this will be retained as that in an amendment, so that we can put that into the Act and there is clarity about that. You go back, you do a bit of thinking, you negotiate with my counsel, and then at some stage we can reconvene if I am satisfied.

103. **MR LEWIS:** Thank you, my Lord. We will also have to give some consideration back at base, because the Committee would also have to give some thought to this. We will see what we can come up to between us as soon as we can.

104. **THE CHAIRMAN:** Absolutely. Okay.
105. **MR LEWIS:** Fine. Thank you.
106. **THE CHAIRMAN:** The Committee stands adjourned.

The Committee adjourned at 4.35 pm.